

EXHIBIT

1

Honorable Sean O'Donnell
Trial Date: August 29, 2016

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR KING COUNTY

DAVID BETZ, a married individual,
Plaintiffs,

v.

JULIE DALESSIO, an individual;
KEYCORP, INC., an Ohio corporation;
and KEYBANK NATIONAL
ASSOCIATION, a Washington business,
Defendants.

NO. 15-2-17125-9 SEA

DEFENDANT DALESSIO'S
OBJECTIONS TO PLAINTIFF'S NOTICE
OF INTENT TO OFFER DOCUMENTS
PURSUANT TO ER 904

Pursuant to ER 904(c), Defendant, Julie Dalessio objects to the admissibility of
the following documents listed within Plaintiff's ER 904 notice of July 29, 2016:

No.	Document	Objection	Authority
9.	Photograph of fence in side yard, etc., claimed to be dated 10/6/06	Objection to description and date; content of photo speaks for itself; photo is dated 7/1/15, not 10/6/06; no objection to authenticity or admissibility, subject to correction of description.	
13 - 23	Email exchanges between and among David Betz, Susan Goldman, Jim Carey, Julie	Assuming the documents numbered 13-23 (and plaintiff has not represented otherwise) are offered for their contents,	ER 802, 803, 804, 805, and 904(a).

DEFENDANT DALESSIO'S DISCLOSURE OF
ADDITIONAL WITNESSES - 1

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	Dalessio and Randy Bennett	each is objectionable as offering inadmissible hearsay (and hearsay within hearsay) not falling under any of the recognized hearsay exceptions for either available or unavailable witnesses. Plaintiff has listed the speakers/writers/authors of the statements as witnesses at trial. Further, the statements within the email exchanges do not have guarantees of trustworthiness equivalent to the documents listed at ER 904(a).	
24.	1998 Master Use Permit Application for Dalessio house	The permit application is inadmissible without testimony to establish how it relates to the claims in this action.	ER 401, 402, 403, 602, 701, 703 and 705, and lack of foundation.
26, and 28-54	Photographs taken by Betz	No objection as to authenticity or admissibility, if supported by testimony to identify the photographs and what they purport to show.	
60.	Temporary Accommodation Letter to Julie Dalessio from University of Washington	The 2002 letter and other documents at this item have no relevance to the boundary line dispute at issue in this proceeding; under public records exceptions at RCW 42.56.050, .210, .230 and .250, the documents are not public records and should not have been furnished to plaintiff; whatever their claimed relevance, their probative value is substantially outweighed by their prejudicial impact; and their admission under ER 904 would not serve the interests of justice.	
61.	Settlement Agreement Re: Dalessio v. University of Washington	The 2003 Settlement Agreement and included letters relate to Dalessio's employment with the University of Washington and have no relevance to the boundary dispute at issue; their use in this proceeding is beyond the limited publication allowed under ¶16 of the Agreement; under public records exceptions at RCW 42.56.050, .210, .230	ER 401, 402, 403 and 904; and RCW 42.56.050, .210, .230 and .250

DEFENDANT DALESSIO'S DISCLOSURE OF
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		and .250, these documents are not public records and should not have been furnished to plaintiff; whatever their claimed relevance, their probative value is substantially outweighed by their prejudicial impact; and its admission under ER 904 would not serve the interests of justice.	
62.	Washington ESD letter Re: Dalessio ESD claim	The 2003 letter from the Employment Security Department relating to Dalessio's termination of employment from the University of Washington has no relevance to the boundary dispute at issue; under the exceptions cited on the face of the letter, it is not a public record and should not have been furnished to plaintiff; whatever the claimed relevance, its probative value is substantially outweighed by its prejudicial impact; and its admission under ER 904 would not serve the interests of justice.	ER 401, 402, 403 and 904; and RCW 42.56.210, .230 and .250.
63.	B&D Rockeries Proposal & Contract	The estimate is inadmissible without testimony to establish what the work is for, where it is to be conducted, how it relates to the claims in this action, why Dalessio should be liable for the expense and causation.	ER 401, 402, 403, 602, 701, 703 and 705, and lack of foundation
64.	Dappen Construction Estimate Re: fence	Same objections as to Item 63.	
65 - 68	Declarations of Jim Carey, Susan Goldman, Eudasio Solis and Erin Bronner	Defendant advances the same objection to documents 65 – 68, as to documents 13-23; documents 65 and 66 are further objectionable on grounds that the declarations were made without proper affirmation, as the declarants are beyond state or federal jurisdiction and not subject to the penalty of perjury of the State of Washington.	ER 603, 802, 803, 804, 805, and 904(a).

Pursuant to ER 904(c), Defendant Dalessio reserves objections as to relevancy of any of plaintiff's listed exhibits. Dalessio further reserves the right to

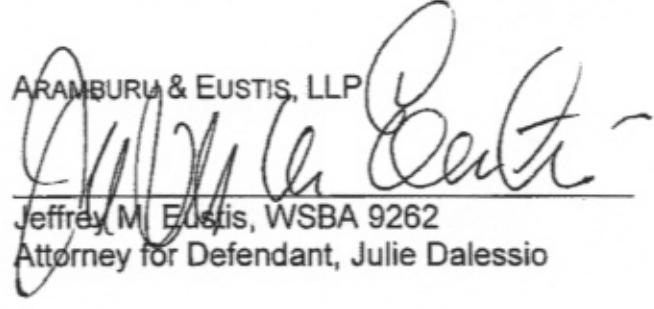
DEFENDANT DALESSIO'S DISCLOSURE OF
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1 supplement these objections based upon arguments of plaintiff in support of
2 admissibility.

3 DATED: August 42, 2016.

4 ARAMBURU & EUSTIS, LLP

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6 Jeffrey M. Eustis, WSBA 9262
7 Attorney for Defendant, Julie Dalessio

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DEFENDANT DALESSIO'S DISCLOSURE OF
ADDITIONAL WITNESSES - 4

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DECLARATION OF SERVICE

I am an employee in the law offices of Aramburu & Eustis, LLP, over eighteen years of age and competent to be a witness herein. On the date below, I e-served copies of the foregoing document, addressed as follows:

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☐ first class postage prepaid,
☐ email ☐ facsimile
☐ hand delivery / messenger
☒ Via electronic court filing e-service pursuant to King County LGR 30.

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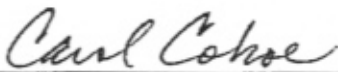
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☒ Via electronic court filing e-service pursuant to King County LGR 30.

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☒ Via electronic court filing e-service pursuant to King County LGR 30.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct to the best of my knowledge and belief.

DATED: August 12 2016.



Carol Cohoe

DEFENDANT DALESSIO'S DISCLOSURE OF
ADDITIONAL WITNESSES - 5

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